

RECEIVED

1 Paul Hupp,
2 965 Hidden Oaks Drive
3 Beaumont, CA. 92223
4 951-769-1268
5 Paulhupp@gmail.com
6 In Propria Persona

2011 MAY 13 PM 2:00

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

2011 JUN 13 AM 10:25

FILED

7 Paul Hupp,

8 Plaintiff,

9 v.

10 City of Beaumont,

11 Thomas Dalessandro,

12 Roes 1-10,

13 Individually and in his official capacity as
14 Peace Officer, Jointly, Jointly and Severally,

15 Defendants.

Case No.: 11-CV-

COMPLAINT AND DEMAND FOR JURY
TRIAL

COMPLAINT

16 Plaintiff Paul Hupp, in *Propria Persona*, complains against defendants City of Beaumont,
17 and Thomas Dalessandro, individually and in his official capacity as Peace officer, and Roes 1-
18 10 as follows:

PARTIES, VENUE AND JURISDICTION

- 20 1. Paul Hupp ("Plaintiff") resides, and is domiciled within the state of California.
- 21 2. Thomas Dalessandro ("DALSSANDRO") is a sworn Peace Officer employed by the
22 City of Beaumont.
- 23 3. The City of Beaumont is an incorporated municipality located within Riverside
24 County.
- 25 4. Roes 1-10 are unknown at this time but will be named and added to the complaint as
their identities become known.

- 1 5. Riverside County is a body of state government located within the state of California.
- 2 6. Riverside County is a body of state government located within the Central District of
- 3 California for jurisdictional purposes.
- 4 7. DALSSANDRO as a sworn Peace Officer for the City of Beaumont is sued both
- 5 individually and in his official capacity as Peace Officer.
- 6 8. DALESSANDRO and the City of Beaumont are sued individually, jointly and jointly
- 7 and severally.
- 8 9. This action arises under the United States Constitution, particularly under the
- 9 provisions of the Fourth and Fourteenth Amendments to the United States
- 10 Constitution and under the laws of the United States, particularly the Civil Rights
- 11 Act, Title 42 of the United States Code, Sections 1983 and 1988.
- 12 10. This court has original jurisdiction of this action under the provisions of Title 28 of
- 13 the United States Code, Section 1343-Civil rights and elective franchise.
- 14 11. This court has original jurisdiction of this action under the provisions of Title 28 of
- 15 the United States Code, Section 1331-Federal question.
- 16 12. This court has original jurisdiction of this action under the provisions of Title 28 of
- 17 the United States Code, Sections 2201 and 2202-Declaratory and injunctive relief.
- 18 13. This court has supplemental jurisdiction of state claims that arise out of the nucleus of
- 19 operative facts, case, or controversy common to the Plaintiff's federal claims under
- 20 the provisions of Title 28 of the United States Code, Section 1367(a)-Supplemental
- 21 jurisdiction.
- 22 14. This court has venue over this case under the provisions of Title 28 of the United
- 23 States Code, Section 1391(b) and (c).
- 24
- 25

FACTUAL ALLEGATIONS

15. That each and every act of Defendant City of Beaumont, by and through their employees, agents, and/or representatives, including but not limited to Defendant DALESSANDRO, as set forth herein was executed under the color of authority, statutes, ordinances, regulations, laws, customs, training and usages of the City of Beaumont, by virtue of and under authority of Defendant DALESSANDRO'S employment with the City of Beaumont as a sworn Peace Officer.

16. That Defendant City of Beaumont operates their police department and is responsible for and does in fact hire, train, supervise and instruct their Peace Officers, including DALESSANDRO, in all aspects and performance of said Peace Officers duties.

17. One of the functions of Defendant City of Beaumont is to hire Peace Officers of good moral character and fitness.

18. One of the functions of Defendant City of Beaumont is to train their Peace Officers with respect to the Constitutional rights afforded to all citizens within their jurisdiction, including but not limited to the rights arising under the Fourth and Fourteenth Amendments of the United States Constitution.

19. One of the functions of Defendant City of Beaumont is to train their Peace Officers to follow the Constitutional and all state and local laws, including making sure that "probable cause" is present before issuing any traffic citation.

20. One of the functions of Defendant City of Beaumont is to train their Peace Officers to follow the Constitutional and all state and local laws, including making sure that "reasonable suspicion" is present before stopping and questioning any person.

21. One of the functions of Defendant City of Beaumont is to supervise their Peace Officers within their jurisdiction, to ensure Constitutional rights, including but not

1 limited to, rights arising under the Fourth and Fourteenth Amendments of the United
2 States Constitution, and ensure said rights are not unlawfully and illegally infringed
3 upon.

4 22. One of the functions of Defendant City of Beaumont is to train and supervise their
5 Peace Officers to follow the Constitutional and all state and local laws, including
6 making sure that all their Peace Officers are not engaging in perjury or any other
7 criminal act.

8 23. That Defendant DALESSANDRO was, at all times relevant hereto, employed as a
9 Peace Officer by Defendant City of Beaumont, being employed, in uniform and in a
10 marked police cruiser and on duty on Friday evening January 28, 2011 at
11 approximately 8:45 PM.

12 24. There are three separate levels of criminal classifications in California;

- 13 1. Felony
- 14 2. Misdemeanor
- 15 3. Infraction

16 25. Infractions are not crimes under which an arrest or a booking can be executed.

17 26. Infractions may be cited for, and a "Promise to Appear" at a future date issued as long
18 as "probable cause" is present for issuing the citation.

19 27. Plaintiff was traveling eastbound on Oak Valley Parkway in the City of Beaumont on
20 or about Friday, January 28, 2011 at or around 8:30-8:45 PM.

21 28. DALESSANDRO was on duty and in uniform driving a marked City of Beaumont
22 police cruiser.

23 29. DALESSANDRO activated his lights and pulled over Plaintiff at Oak Valley
24 Parkway and Golf Club Drive. Plaintiff pulled into the Rite Aid parking lot for the
25 stop.

1 30. DALESSANDRO was wearing a personal recording device at all times during the
2 traffic stop, it was functional and it was activated and recording during the entire stop.

3 31. DALESSANDRO claimed Plaintiff's rear license plate was being "obstructed" by the
4 bumper. Mr. Hupp's license plate was not obstructed, and the vehicle did in fact have
5 a factory bumper on it and the license plate was mounted in the factory position. The
6 vehicle had been in use for over 25 years, with over 330,000 miles logged and there
7 had never, ever, been a prior claim made of an obstructed license plate by the bumper.
8 DALESSANDRO never claimed the fabricated "bumper obstruction" resulted from a
9 "reading or recognition of a license plate by an electronic device" under Vehicle
10 Code ("VC") Section 5201(g) during the traffic stop. Attached to, made a part of, and
11 by this reference incorporated into this complaint as "Exhibit #1" is a true and correct
12 copy of "VC 5201(g)".

13 32. VC Section 5201(g) is outlined verbatim *infra*;

14
15 "VC Section 5201(g) -Reading or Recognition of License Plate Illegally
16 Obstructed or Impaired"

17 "5201(g). A casing, shield, frame, border, product, or other device that obstructs
18 or impairs the reading or recognition of a license plate by an electronic device
19 operated by state or local law enforcement, an electronic device operated in
20 connection with a toll road, high-occupancy toll lane, toll bridge, or other toll
21 facility, or a remote emission sensing device, as specified in Sections 44081 and
22 44081.6 of the Health and Safety Code, shall not be installed on, or affixed to, a
23 vehicle." Underline added.

24 33. DALESSANDRO did not have an "electronic device operated by state or local law
25 enforcement" on his marked patrol unit. DALESSANDRO had no such remote
sensing device, mechanical, electrical or otherwise. In fact NO Beaumont marked
police units have an "electronic device operated by state or local law enforcement".
Yet that is what DALESSANDRO wrote the citation for. Attached to, made a part of,

1 and by this reference incorporated into this complaint as "Exhibit #2" is a true and
2 correct copy of the issued citation, "BM97171".

3 34. During the traffic stop DALESSANDRO started asking Plaintiff numerous invasive
4 and degrading questions that had no legal basis and no relationship whatsoever to the
5 fabricated "VC 5201(g)" violation. These questions were rude, invaded personal
6 privacy and had no legal basis, lacking both probable cause and reasonable suspicion.
7 Plaintiff was trying to be diplomatic and courteous during this interrogation but
8 DALESSANDRO continued speaking to Plaintiff in a rude, invasive and degrading
9 manner. DALESSANDRO then asked if Plaintiff "was on probation or parole" or
10 similar words to that effect. There was in fact no legal basis for such an intrusive
11 question and Plaintiff terminated the questioning at this point. DALESSANDRO
12 wrote a traffic infraction citation for "VC 5201(g)" and Plaintiff signed it.

13 35. Traffic infractions issued by Peace Office are signed "under penalty of perjury".

14 DALESSANDRO signed citation BM97171 under penalty of perjury.

15 36. Plaintiff requested the County Seat for the location of the traffic court trial.

16 37. Plaintiff went to the courthouse on March 2, 2011 to set a court date. The court did
17 not have citation BM97171 in the system, and instructed Plaintiff to come back on the
18 date the citation listed, March 9, 2011, to get a file stamp to show Plaintiff had tried
19 to get a court date.

20 38. Plaintiff went back in March 9, 2011 and the citation was still not in the system and
21 the citation was file stamped by the clerk.

22 39. The citation was entered into the court system sometime after the listed date of March
23 9, 2011. On March 15, 2011 Plaintiff again went to the courthouse and the citation by
24 this date had been entered into the system. Plaintiff asked to set the trial at the County
25 Seat, the clerk refused. Trial was set for April 28, 2011 at the Banning courthouse.

1 40. On March 24, 2011 Plaintiff for the 4th time went to the Banning Court and filed a
2 motion for a change of venue. That motion was granted.

3 41. In late February Plaintiff received a letter from DALESSANDRO again listing the
4 infraction, specifically stating "VC 5201(g)" would be set for trial at the County
5 Seat. Attached to, made a part of, and by this reference incorporated into this
6 complaint as "Exhibit #3" is a true and correct copy of the letter DALESSANDRO
7 sent Plaintiff.

8 42. On April 28, 2011 the case was called at the County Seat, DALESSANDRO was
9 present and contested the case by presenting oral testimony about the citation to
10 Commissioner William A. Anderson.

11 43. DALESSANDRO at no time during his testimony presented evidence that would
12 support the citation.

13 44. DALESSANDRO at no time during his testimony stated he had written the wrong
14 code section on the citation.

15 45. DALESSANDRO at no time during his testimony asked to have the citation
16 dismissed for lack of evidence or because he had written the wrong code section.

17 46. During DALESSANDRO'S testimony he stated that Plaintiff had ADMITTED that
18 the bumper was obstructing the license plate.

19 47. Plaintiff made no such admission. In fact Plaintiff specifically stated he wanted the
20 citation issued to the County Seat because he was going to contest it.
21 DALESSANDRO'S recording device will prove this up.

22 48. DALESSANDRO had recorded the entire traffic stop with Plaintiff and any
23 admission, as DALESSANDRO claims, will be on that recording.

24 49. The traffic court recorded DALESSANDRO'S testimony that Plaintiff "admitted" his
25 bumper obstructed the license plate, and transcripts have been ordered.

1 50. Commissioner William A. Anderson-on the court's own motion- dismissed the
 2 citation after DALESSANDRO failed to allege the elements of "VC 5201(g)".

3 Attached to, made a part of, and by this reference incorporated into this complaint as
 4 "Exhibit #4" and "Exhibit #5" are true and correct copies of the court's minute order
 5 and docket for citation BM97171.

6 51. On April 28, 2011 Plaintiff hand delivered a written complaint and demand letter to
 7 the City of Beaumont Mayor, City Manager and Police Chief. There was no response
 8 whatsoever by any of the three (3) parties. Attached to, made a part of, and by this
 9 reference incorporated into this complaint as "Exhibit #6" is a true and correct copy
 10 of the April 28, 2011 written complaint and demand letter Plaintiff hand delivered to
 11 the City of Beaumont Mayor, City Manager and Police Chief.

12 This reference incorporates the above paragraphs into the following counts.

13 **COUNT I: 42 USC SECTION 1983 LIABILITY FOR VIOILATION OF**
 14 **CONSTITUTIONAL AND CIVIL RIGHTS-SEIZURE OF THE PERSON, LACK OF**
 15 **PROBABLE CAUSE TO STOP PLAINTIFF OR TO ISSUE THE CITATION**

16 52. DALESSANDRO wrote a citation for "VC 5201(g)", which relates to an electronic
 17 license plate reading device being obstructed. DALESSANDRO signed the citation
 18 under "penalty of perjury" that he had such a device. DALESSANDRO had no
 19 electronic license plate reading device on his marked police cruiser.

20 53. Plaintiff's bumper did not obstruct the license plate and DALESSANDRO'S claim
 21 that it was obstructed was pretext for an illegal and unlawful seizure of the person.

22 54. DALESSANDRO's true motive for making the false claim of license plate
 23 obstruction was to go on a fishing expedition for possible criminal violations, which
 24 is why he was asking rude, invasive and demeaning questions, such as asking
 25

1 Plaintiff if he was “on parole or probation” that had no foundation whatsoever and
2 lacked both probable cause and reasonable suspicion.

3 55. DALESSANDRO knew, or should have known, his baseless perjured actions were
4 unlawful and illegal.

5 56. DALESSANDRO’s true intentions in writing a citation for “VC 5201(g)” was to try
6 to harass, annoy, intimidate, incite, threaten and instill fear in Plaintiff, by virtue of,
7 and under color of his authority in his position as a sworn Peace Officer in his
8 “fishing expedition”.
9

10 57. Probable cause is required to be taken into custody, arrested, booked or *detained* on a
11 felony, misdemeanor or infraction offense.

12 58. The legal standard for probable cause is that of a reasonable person, under the
13 circumstances, would believe a crime had been committed.

14 59. No reasonable person under the above listed circumstances would have believed
15 Plaintiff had violated “VC 5201(g)”, because DALESSANDRO had no electronic
16 license plate reading device on his marked police cruiser. Plaintiff had committed no
17 felony, misdemeanor or infraction crime under a probable cause standard.
18

19 60. Even using the very low standard of “reasonable suspicion” DALESSANDRO had no
20 legal justification for the citation because DALESSANDRO had no electronic license
21 plate reading device on his marked police cruiser

22 61. Said despicable actions by DALESSANDRO were under the color and authority of
23 state law and were unreasonable, performed knowingly, willfully, intentionally,
24 deliberately, indifferently, maliciously and with gross negligence, callousness,
25 indecency and with reckless disregard and indifference to the laws, treaties and

1 Constitution of the United States, and the citizens of the state of California and the
2 United States.

3 62. Mr. Hupp suffered injuries as a proximate cause of DALESSANDRO's actions,
4 including, but not limited to, the following, to wit:

- 5 1. Humiliation;
- 6 2. Emotional Distress;
- 7 3. Psychological Distress;
- 8 4. Losses of the safety, pleasure, joy and vitalities of life that are of a continuing
9 nature.
- 10 5. Plaintiff had to make five (5) in person court appearances, submitted two (2)
11 written motions and one (1) written complaint totaling in excess of 80 hours.

12
13 63. Plaintiff's constitutional rights to be free of unlawful seizure and perjury by a Peace
14 Officer under these circumstances are clearly established and well known rights.

15 64. DALESSANDRO is liable under the Fourth and Fourteenth Amendments to the
16 United States Constitution, as well as 42 USC §§ 1983, 1988.

17 65. The violation of the above listed rights proximately caused Plaintiff damages for
18 which he is entitled to recover under 42 USC §§ 1983, 1988.

19 66. Plaintiff is further entitled to punitive damages to deter DALESSANDRO from
20 engaging in such violations of constitutionally protected rights.

21 This reference incorporates the above paragraphs into the following counts.
22

23 **COUNT II: 42 USC SECTION 1983 LIABILITY FOR VIOLATION OF**
24 **CONSTITUTIONAL AND CIVIL RIGHTS-COMMITTING PERJURY**

25 67. DALESSANDRO wrote a citation for "VC 5201(g)", which relates to an electronic
license plate reading device being obstructed. DALESSANDRO signed the citation

1 under "penalty of perjury" that he had such a device. DALESSANDRO had no
 2 electronic license plate reading device on his marked police cruiser; in fact no City of
 3 Beaumont marked police cruisers have such a device. *See* "Exhibit #2".

4 DALESSANDRO had therefore committed the crime of perjury. *See* California Penal
 5 Code § 118.

6 68. DALESSANDRO committed perjury a second time when he sent out the letter
 7 changing the court location. *See* "Exhibit #3".

8 69. DALESSANDRO committed perjury a third time when he testified in court, under
 9 oath, that Plaintiff had "admitted" that his bumper was obstructing the license plate.
 10 Plaintiff never made any such admission.

11 70. Plaintiff's constitutional rights to be free of perjured statements by a Peace Officer
 12 under these circumstances are clearly established and well known rights.

13 71. DALESSANDRO is liable under the Fourth and Fourteenth Amendments to the
 14 United States Constitution, as well as 42 USC §§ 1983, 1988.

15 72. The violation of the above listed rights proximately caused Plaintiff damages for
 16 which he is entitled to recover under 42 USC §§ 1983, 1988.

17 73. Plaintiff is further entitled to punitive damages to deter DALESSANDRO from
 18 engaging in such violations of constitutionally protected rights.

19 This reference incorporates the above paragraphs into the following counts.
 20

21 **COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

22 74. The actions of DALESSANDRO, while in the course of his employment, as a Peace
 23 Officer for defendant City of Beaumont, acting under color and authority of state law
 24 engaged in numerous criminal acts and civil wrongs as outlined in this complaint.
 25

1 75. As a direct and proximate cause of these actions by Defendants, Plaintiff suffered
2 extreme emotional and psychological distress as outlined in the individual counts.

3 76. These acts by DALESSANDRO were beyond the bounds of human decency and the
4 failure of Defendant City of Beaumont to take any actions to stop DALESSANDRO
5 from such outrageous and assaultive behavior- including failure to even respond to a
6 written complaint about DALESSANDRO'S acts- constitutes extreme, outrageous
7 and intentional acts and/or omissions of the defendants. *See* "Exhibit #6".

8 77. Defendant DALESSANDRO did these despicable acts knowingly, willfully and
9 purposefully with intent to cause Plaintiff severe emotional distress and mental
10 anguish.

11 78. Such actions caused embarrassment, humiliation, shame, fright, fear, and grief in
12 Plaintiff, and said actions were much more than a reasonable person could endure.

13 79. Defendant City of Beaumont is also liable for the actions of DALESSANDRO for
14 failure to train, supervise and discipline DALESSANDRO.

15 This reference incorporates the above paragraphs into the following counts.
16

17 **COUNT IV: GROSS NEGLIGENCE IN THE HIRING OF PEACE OFFICERS**

18 80. Defendant City of Beaumont had the power to prevent and stop the wrongs,
19 transgressions and despicable acts of tortfeasor DALESSANDRO, which is the
20 subject of this complaint, by the proper screening and hiring of Peace Officers.

21 81. Defendant City of Beaumont had a duty to hire for the position of Peace Officer only
22 those individuals that are of the highest moral and ethical character.

23 82. Defendant City of Beaumont breached that duty in a grossly negligent manner by
24 hiring DALESSANDRO, a despicable and unethical individual who lacks the moral
25

1 character and fitness to be a Peace Officer as evidenced by his perjury and civil rights
2 violations outlined in this complaint.

3 83. Defendant City of Beaumont caused proximate damages to Plaintiff by hiring
4 DALESSANDRO, which enabled DALESSANDRO to engage in the despicable
5 conduct that is the subject of this complaint, specifically violations of the Fourth and
6 Fourteenth Amendments to the United States Constitution, as well as 42 USC § 1983.

7 84. Plaintiff suffered severe damages as a result of this gross negligence by the Defendant
8 City of Beaumont.

9 85. Defendant City of Beaumont is liable for any and all other hiring
10 violations/negligence/failures that may be discovered through the course of discovery.

11 This reference incorporates the above paragraphs into the following counts.
12

13 **COUNT V: GROSS NEGLIGENCE IN THE TRAINING OF PEACE OFFICERS**

14 86. Defendant City of Beaumont had the power to prevent and stop the wrongs,
15 transgressions and despicable acts of tortfeasor DALESSANDRO, which is the
16 subject of this complaint, by the proper training of Peace Officers. Such training
17 includes banning their Peace Officers from committing perjured statements as
18 outlined in this complaint.

19 87. Defendant City of Beaumont had a duty to train their Peace Officers in a manner that
20 would not allow their officers, including DALESSANDRO and others, to infringe
21 upon the rights of citizens by violating the laws, treaties and Constitution of the
22 United States, including banning their Peace Officers from committing perjury and
23 seizing people without probable cause, as outlined in this complaint.
24
25

1 88. Defendant City of Beaumont breached that duty in a grossly negligent manner by a
2 lack of qualified training, as well as deficient and improper training, thereby allowing
3 DALESSANDRO and others to infringe upon the rights of Plaintiff and other citizens
4 by violating the laws, treaties and Constitution of the United States, specifically
5 violations of the Fourth and Fourteenth Amendments to the United States
6 Constitution, as well as 42 USC § 1983.

7
8 89. Defendant City of Beaumont caused proximate damages to Plaintiff by training
9 DALESSANDRO in a deficient manner, which enabled DALESSANDRO to engage
10 in the despicable conduct that is the subject of this complaint, specifically violations
11 of the Fourth and Fourteenth Amendments to the United States Constitution, as well
12 as 42 USC § 1983.

13 90. Plaintiff suffered severe damages as a result of this gross negligence by the defendant
14 City of Beaumont.

15 91. Defendant City of Beaumont is liable for any and all other training
16 violations/negligence/failures that may be discovered through the course of discovery.

17 This reference incorporates the above paragraphs into the following counts.

18 **COUNT VI: GROSS NEGLIGENCE IN THE SUPERVISION OF PEACE OFFICERS**

19 92. Defendant City of Beaumont had the power to prevent and stop the wrongs,
20 transgressions and despicable acts of tortfeasor DALESSANDRO, which is the
21 subject of this complaint, by the proper supervision of it's Peace Officers, including
22 DALESSANDRO.
23
24
25

1 93. Defendant City of Beaumont had a duty to supervise their Peace Officers, including
2 DALESSANDRO, so that they follow, obey, observe, understand, comply with,
3 conform with and honor the laws, treaties and Constitution of the United States.

4 94. Defendant City of Beaumont breached that duty in a grossly negligent manner by
5 failing to supervise DALESSANDRO in a manner that required DALESSANDRO to
6 follow, obey, observe, understand, comply with, conform with and honor the laws,
7 treaties and Constitution of the United States, allowing DALESSANDRO to seize
8 people without probable cause and further allowing DALESSANDRO to engage in
9 multiple acts of perjury to cover for his lack of probable cause.
10

11 95. Defendant City of Beaumont caused proximate damages to Plaintiff by failing to
12 properly supervise DALESSANDRO, said supervision was deficient, which enabled
13 DALESSANDRO to engage in the despicable conduct that is the subject of this
14 complaint, specifically violations of the Fourth and Fourteenth Amendments to the
15 United States Constitution, as well as 42 USC § 1983.

16 96. Plaintiff suffered severe damages as a result of this gross negligence by the defendant
17 City of Beaumont.

18 97. Defendant City of Beaumont is liable for any and all other supervision
19 violations/negligence/failures that may be discovered through the course of discovery.
20

21 **COUNT VII: DECLATORY AND INJUNCTIVE RELIEF**

22 98. Defendant City of Beaumont, in addition to the false accusations made by
23 DALESSANDRO, has made numerous false accusations against Plaintiff in the past.
24 See Case no.: BM69750, on November 8, 2007. Case no.: BM11131 on April 17,
25 2009. These cases were all contested by Plaintiff and Defendant City of Beaumont lost

1 all of them at trial. This shows a "pattern and practice" of making false and fabricated
2 accusations. These false and fabricated accusations still required Plaintiff to expend
3 considerable amounts of time, energy and money to defend against them.

4 99. Plaintiff requests a declaration from this court that Defendant City of Beaumont has
5 engaged in multiple civil rights violations.

6 100. Plaintiff requests an injunction from this court that bans Defendant City of
7 Beaumont from engaging in false accusations and prevents their Peace Officers from
8 engaging in further perjured statements.
9

10
11 **PRAYER FOR RELIEF**

12 ON THESE ABOVE LISTED GROUNDS, plaintiff Paul Hupp prays that this Honorable
13 United States District Court grants judgment in his favor and against defendants City of
14 Beaumont and DALESSANDRO as follows;

- 15
- 16 1. For compensatory, special and general damages according to proof, but
17 exceeding \$75,000;
 - 18 2. For punitive and exemplary damages according to proof;
 - 19 3. For prejudgment and post judgment interest;
 - 20 4. For an injunction preventing Defendants from engaging in the conduct that
21 gives rise to this action, including the crime of perjury;
 - 22 5. All fees, costs and expenses for the bringing of this claim, including but not
23 limited to, all attorney fees and costs provided for under 42 U.S.C. Section
24 1988.
 - 25 6. All other appropriate legal and equitable relief.

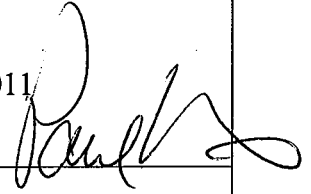
1
2 **RIGHT TO AMEND**

3 Plaintiff hereby expressly reserves the right to amend this action to include any actions
4 arising from discovery and to add in Roe defendants.

5 **JURY DEMAND**

6 Mr. Hupp requests trial by jury on all genuine and disputed issues of material fact in this
7 case.

8
9
10 Dated this 12th day of May, 2011

11 /s/ Paul Hupp 

12 Paul Hupp

13 965 Hidden Oaks Drive

14 Beaumont, CA. 92223

15 951-769-1268

16 Paulhupp@Gmail.com

17 *In Propria Persona*
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EX #1

“VC Section 5201(g) -Reading or Recognition of License Plate Illegally Obstructed or Impaired”

As of March 1, 2011

“5201(g). A casing, shield, frame, border, product, or other device that obstructs or impairs the reading or recognition of a license plate by an electronic device operated by state or local law enforcement, an electronic device operated in connection with a toll road, high-occupancy toll lane, toll bridge, or other toll facility, or a remote emission sensing device, as specified in Sections 44081 and 44081.6 of the Health and Safety Code, shall not be installed on, or affixed to, a vehicle.” Underline and bold added.

EX 2

BEAUMONT POLICE DEPT. ☐ MISDEMEANOR

No. BM97171

NOTICE TO APPEAR

☒ Traffic ☐ NontrafficDate of Violation 1/2/2011 Time 2:05 PM ☐ AM ☒ PM Day of Week S M T W T F S Case No. 1016-3875Name (First, Middle, Last) Paul Howard Howard ☐ Owner's Responsibility (Veh. Code, §40001)

Address 1234 5th St

City Salinas Beach State CA Zip Code 92073

Driver Lic. No. N7460737 State CA Class C Commercial ☐ Yes ☒ No Age 49 Birth Date 3/1/61Sex M Hair BLW Eyes GRN Height 5-8 Weight 200 Race W ☐ Juvenile (Phone No.)

Veh. Lic. No. (or VIN) 2W62789 State CA

Yr. of Veh. 2010 Make NISS Model PL Body Style 3DR Color WH ☐ Commercial Vehicle (Veh. Code, § 15210(b))Evidence of Financial Responsibility ☐ Hazardous Material (Veh. Code, § 353)Registered Owner or Lessee ☐ Same as DriverAddress ☐ Same as Driver

City State Zip Code

Correctable Violation (Veh. Code, § 40610) ☐ Booking Required (See Reverse) Misdemeanor or Infraction (Circle)

Yes No Code and Section Description (See Reverse)

☒ ☐ CVC 22016) Real Plate M (1)☐ ☐ Obstruction M I☐ ☐ M I☐ ☐ M ISpeed Approx. P.F./Max. Spd. Veh. Lmt. Safe Radar ☐ Continuation Form Issued N

Location of Violation(s) at 1234 5th St City/County of Occurrence Beaumont W E

Comments (Weather, Road & Traffic Conditions) CVC ☐ Accident S☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Arresting or Citing Officer 747

Date 1/2/2011 Name of Arresting Officer, If different from Citing Officer C/S REQUESTED I.D. No.

Date 1/2/2011 Name of Arresting Officer, If different from Citing Officer C/S REQUESTED I.D. No.

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature Paul Howard

WHEN: On Or Before This Date: 3/1/11 Time: 0730 ☐ AM ☒ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE: ☒ BANNING SUPERIOR COURT ☐ 135 N. ALESSANDRO RD. OR

BANNING, CA 92220

PHONE #: 951-922-7140

☐ To Be Notified ☐ You may arrange with the clerk to appear at a night session of the court.

Judicial Council of California Form

Reve. 09-20-05 (Veh. Code, §§ 40500(b), 40522, 40600; Pen Code, §853.9)

DEFENDANT'S COPY SEE REVERSE

TR-130

**POLICE DEPARTMENT**

550 E. 6th Street
Beaumont, CA 92223-2253

951-769-8500
FAX 951-769-8506

Date: 2/8/2011

Paul Howard Hupp
PO Box 91
Solana Beach, CA 92075

Dear Mr. Hupp,
On 1/28/2011 you received citation number **BM** 97171
Charges: vc5201(g)

It has been necessary to amend the information regarding your pending case as follows: Your court appearance has changed to the County Seat Location, per your request: Moreno Valley Court House, 13800 Heacock St. Bldg. D, #201, Moreno Valley, CA, 92553. Date/Time: 05/01/2011 at 7:30a.m. Also, the date of violation on your citation should read 01/28/2011. All other information is correct.

Beaumont Police Department
by: Dalessandro #787
Officer ID#

Approved
by: _____

cc:	Report	<input checked="" type="checkbox"/>	Date: <u>2/8/11</u>	By: <u>jag #740</u>
	Defendant	<input checked="" type="checkbox"/>	Date: _____	By: _____
	Court	<input type="checkbox"/>	Date: _____	By: _____

cc: Supervisor

rev: 4/17/08

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
13800 HEACOCK STREET D201
MORENO VALLEY, CA 92553

People of the State of California

Vs.

CASE NO. BM97171PH

PAUL HOWARD HUPP

MINUTE ORDER

=====

Arraignment and Court Trial

Date: .04/28/11 Time: 8:00 am Dept/Div: MV2

=====

Charges: 1) 5201G VC-I Q

VIOLATION DATE: 01/28/11

Honorable Commissioner William A. Anderson Presiding.

Courtroom Assistant: J. Degen

Defendant Present.

Officer Dallesandro present in Court.

Defendant acknowledges the complaint reflects his/her true name
and date of birth.

Defendant Arraigned

Defendant Advised of Constitutional Rights.

Pleads Not Guilty to Count(s) 01.

Court Trial Commences.

Officer Dallesandro sworn and testifies.

Court finds defendant Not Guilty as to Count(s) 01.

Oral Motion By Defendant regarding request to file motion is
called for hearing.

Motion Denied.

Cash Bail Exonerated.

- - Custody Status/Information - -

Defendant Released.

MINUTE ORDER OF COURT PROCEEDING

Dispo

RIVERSIDE SUPERIOR COURT

PUBLIC ACCESS

Criminal Case Report

Pay Ticket / Case Fine

Print This Report

Close This Window

Case BM97171PH - Defendants

Seq	Defendant	Next Court Date	Status	Agency / DR Number	Arrest Date	Count 1 Charge	Violation Date
1	HUPP, PAUL HOWARD				N/A	VC 5201G	01/28/2011

Case BM97171PH - HUPP, PAUL HOWARD - Status

Filing Type	Citation	Custody	N/A
Ordered Bail	\$0.00	Filing Date	03/08/2011
D.A.		Posted Bail	\$0.00
Next Action:		Defense	
		Deputy Report #:	BEPD

Warrant	Type	Status	Issued	Affidavit
		NONE	N/A	N/A
Probation	Type	Granted	Expiration	
	N/A	N/A	N/A	
Sentence	Convicted Date	County Jail	CTS	
	N/A	N/A	N/A	
	State Prison	Max Sentence		
	N/A	N/A		
	Fine and Penalty	Restitution Fine	Restitution to Victim	
		0	N/A	

Case BM97171PH - HUPP, PAUL HOWARD - Charges

Filed Charges						
Count	Charge	Severity	Description	Violation Date	Plea	Status

1	VC 5201G	I	Obstruct reading of license plate by remote sensing device	01/28/2011	NOT GUILTY	ACQUITTED
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Case BM97171PH - HUPP, PAUL HOWARD - Probation

Probation Has Not Been Granted On This Case For This Defendant.

Case BM97171PH - HUPP, PAUL HOWARD - Related Cases On Calendar

Related Cases On Calendar
<i>This Defendant Does Not Have Any Other Cases With Future Hearings Scheduled.</i>

Case BM97171PH - HUPP, PAUL HOWARD - All of Defendant's Other Cases

Case Number	Filed Date	Charges	Next Hearing	Jurisdiction	Status
33911NDPH	04/07/2011	VC 22356B	None Scheduled	SUPERIOR COURT - RIVERSIDE	Active
BE11131PH	04/20/2009	VC 22350	None Scheduled	SUPERIOR COURT - RIVERSIDE	Closed
BM69750PH	11/21/2007	VC 27315D1	None Scheduled	SUPERIOR COURT - BANNING BRANCH	Closed

Case BM97171PH - HUPP, PAUL HOWARD - Actions & Minutes

Action Date	Action Text	Disposition	Hearing Type
05/04/2011	TRAFFIC RESPONSE LETTER MAILED TO DEFENDANT THIS DATE RE: RTND NTC OF MOTION ADV DEFT CASE CLOSED		
04/28/2011 1:30 PM DEPT. B1	ARRAIGNMENT AND COURT TRIAL	VACATED	ARRAIGNMENT
04/28/2011 8:00 AM DEPT. MV2	ARRAIGNMENT AND COURT TRIAL	DISPOSED	ARRAIGNMENT

Minutes

HONORABLE WILLIAM A. ANDERSON PRESIDING.
 COURTROOM ASSISTANT: JED-J. DEGEN
 DEFENDANT PRESENT.
 OFFICER DALLESANDRO PRESENT IN COURT.
 DEFENDANT ACKNOWLEDGES THE COMPLAINT REFLECTS HIS/HER TRUE NAME AND DATE OF BIRTH.
 DEFENDANT ARRAIGNED
 DEFENDANT ADVISED OF CONSTITUTIONAL RIGHTS.
 PLEADS NOT GUILTY TO COUNT(S) 01.
 COURT TRIAL COMMENCES.
 OFFICER DALLESANDRO SWORN AND TESTIFIES.
 COURT FINDS DEFENDANT NOT GUILTY AS TO COUNT(S) 01.
 ORAL MOTION BY DEFENDANT REGARDING REQUEST TO FILE MOTION IS CALLED FOR HEARING.
 MOTION DENIED.

CASH BAIL EXONERATED.
-- CUSTODY STATUS/INFORMATION --
DEFENDANT RELEASED.
MINUTE ORDER OF COURT PROCEEDING

04/07/2011	OFFICER'S SUBPOENA FOR APPEARANCE OF OFFICER AT TRAFFIC COURT TRIAL FILED.		
04/06/2011	NOTICE OF COURT TRIAL SETTING FILED.		
04/06/2011	OFFICER(S) SUBPOENAED.		
04/06/2011	OFFICER(S) SUBPOENAED FOR COURT TRIAL, WHICH HAS BEEN SET 04/28/2011 AT 8:00.		
04/06/2011	HEARING SET 04/28/2011 AT 13:30 RE ACT IS VACATED.		
03/28/2011 8:30 AM DEPT. B1	EX PARTE HEARING RE: CHANGE OF VENUE	DISPOSED	

Minutes

[Print Minute Order](#)

HONORABLE THOMAS S HUDSPETH PRESIDING.
CLERK: B WALTMAN
DEFENDANT IS NOT PRESENT.
PER COMMISSIONER CITATION SHOWS SHOULD BE SET IN MORENO VALLEY COURT
ORDER:SET CASE IN MORENO VALLEY COURT
PARTIES NOTIFIED BY MAIL
INFRACTION HEARING CONCLUDED, HEARING DISPOED.
DEFENDANT RELEASED.
MINUTE ORDER OF COURT PROCEEDING

03/24/2011	MOTION CHANGE VENUE TO COUNTY SEAT FILED.		
03/18/2011	OFFICER'S SUBPOENA FOR APPEARANCE OF OFFICER AT TRAFFIC COURT TRIAL FILED.		
03/15/2011	DATE TO APPEAR IS CONTINUED TO 04/28/2011. REASON: COURT TRIAL		
03/15/2011	NOTICE OF COURT TRIAL SETTING FILED.		
03/15/2011	DEFENDANT'S DECLARATION OF INTENT TO PLEAD NOT GUILTY AND REQUEST FOR A COURT TRIAL MADE: A-BY APPEARANCE AT COUNTER		
03/15/2011	OFFICER(S) SUBPOENAED.		
03/15/2011	OFFICER(S) SUBPOENAED FOR COURT TRIAL, WHICH HAS BEEN SET 04/28/2011 AT 13:30.		
03/15/2011	TRUST 189.00 RECEIVED FROM DEFENDANT		
03/15/2011	TRUST 10.00 RECEIVED FROM DEFENDANT		
03/08/2011	CITATION FILED (IMAGE); LOCATION: I10		
03/08/2011	CITATION FILED BY ACSF		

Case BM97171PH - HUPP, PAUL HOWARD - Fine Information

Date To Pay: N/A First Payment:

Thursday, April 28, 2011

Brian De Forge, Mayor
City of Beaumont
550 E. Sixth St.
Beaumont, CA. 92223

RE: Demand Letter and Complaint Against Thomas Dalessandro
HAND DELIVERY

Dear Mayor De Forge:

Please let this letter serve a formal demand letter, and complaint, against Beaumont police officer Thomas Dalessandro ("DALESSANDRO"), ID# 787, for engaging in multiple acts of perjury and harassment.

When a peace office issues a citation, or "Notice to Appear", for a vehicle code infraction, such as California Vehicle Code ("VC") § 5201(g), the citation is signed "under penalty of perjury" by the police officer.

In California the crime of perjury is a felony. *See* California Penal Code § 118.

On January 28, 2011 at or around 8:30 PM Beaumont police officer THOMAS DALESSANDRO ("DALESSANDRO") pulled me, Paul Hupp ("Mr. Hupp"), over at or around Oak Valley Parkway and Golf Club Drive within the city limits of Beaumont, CA.

DALESSANDRO claimed Mr. Hupp's rear license plate was being "obstructed" by the bumper. Mr. Hupp's license plate was not obstructed, and the vehicle did in fact have a factory bumper on it, and the license plate was mounted in the factory position. The vehicle had been in use for over 25 years, with over 330,000 miles logged and there had never, ever been a prior claim made of an obstructed license plate by the bumper. DALESSANDRO never claimed the fabricated "bumper obstruction" resulted from a "reading or recognition of a license plate by an electronic device" under VC 5201(g) during the traffic stop. VC 5201(g) is outlined verbatim *infra*;

"VC Section 5201(g) -Reading or Recognition of License Plate Illegally
Obstructed or Impaired"

"5201(g). A casing, shield, frame, border, product, or other device that obstructs or impairs the reading or recognition of a license plate by an electronic device operated by state or local law enforcement, an electronic device operated in connection with a toll road, high-occupancy toll lane, toll bridge, or other toll facility, or a remote emission sensing device, as specified in Sections 44081 and 44081.6 of the Health and Safety Code, shall not be installed on, or affixed to, a vehicle." Underline added.

DALESSANDRO did not have an “electronic device operated by state or local law enforcement” on his marked patrol unit. DALESSANDRO had no such remote sensing device, mechanical, electrical or otherwise. In fact NO Beaumont marked police units have an “electronic device operated by state or local law enforcement”. Yet that is what DALESSANDRO wrote a citation for¹.

During the traffic stop DALESSANDRO started asking Mr. Hupp numerous invasive and degrading questions that had no legal basis and no relationship whatsoever to the fabricated VC 5201(g) violation. These questions were rude, invaded personal privacy and had no legal basis, lacking both probable cause and reasonable suspicion. Mr. Hupp was trying to be diplomatic and courteous during this interrogation but DALESSANDRO continued speaking to Mr. Hupp in a rude, invasive and degrading manner. DALESSANDRO then asked if Mr. Hupp “was on probation or parole” or similar words to that effect. There was in fact no legal basis for such an intrusive question and Mr. Hupp terminated the questioning at this point. DALESSANDRO wrote a traffic infraction citation for “VC 5201(g)”

DALESSANDRO could have made a simple mistake by writing down the wrong VC section, except for the fact that DALESSANDRO sent a follow up letter to Mr. Hupp on February 8, 2011 and specifically listed “VC 5201(g)” as the violation, **for the second time**, eliminating any chance that listing the wrong code section was a mistake. In addition, at the court trial today, April 28, 2011, DALESSANDRO again went through the perjured and trumped up circumstances leading up to the fabricated VC 5201(g) violation, knowing the charge was indeed fabricated. It was not until DALESSANDRO finished testifying that Traffic Commissioner Anderson informed DALESSANDRO that VC 5201(g) related to the covering of a license plate that prevented an electronic, remote sensing device from reading it. Commissioner Anderson asked DALESSANDRO if that was the code section DALESSANDRO meant to write. DALESSANDRO then, with no reference or other written material, stated he wrote the wrong code section-despite writing it down on two (2) different documents on two (2) different occasions prior to the trial. DALESSANDRO then cited another code section from memory, proving he had lied under oath about Mr. Hupp’s license plate being obstructed and prevented from being read by a “remote sensing device”. DALESSANDRO could have at ANYTIME written the court and asked that the citation be dismissed. DALESSANDRO did not. Instead DALESSANDRO took the perjured, trumped up citation to trial, including putting on his case in chief in court and under oath, knowing he had committed perjury.

DALESSANDRO had a personal recording device on his person at all times during the January 28, 2011 traffic stop. It was on and he informed me he had recorded the entire traffic stop/conversation from start to finish. This is an important point because at trial today DALESSANDRO claimed that Mr. Hupp “admitted” during the stop that the license plate was obstructed. That is yet another perjured lie by DALESSANDRO. That statement is on the record at the court trial, and transcripts will be ordered if this harassment results in a lawsuit. Mr. Hupp made no such admission, and the recorded

¹ Citation and Case No.: BM 97171.

conversation of the traffic stop will prove that up². Indeed Mr. Hupp stated he wanted the citation issued to the County Seat for trial, and told DALESSANDRO he would contest the citation, proving up another perjured and fabricated lie of DALESSANDRO, this time DALESSANDRO'S perjury was in court, under oath and on the record.

DALESSANDRO was a failure at trial, and Mr. Hupp was acquitted of the perjured, trumped up charges.

Mr. Hupp spent a significant amount of time on this case, including five (5) trips to the courthouse to set the case for trial and to file various motions, spending a significant amount of time researching the various filed motions, as well as researching the law surrounding the citation itself, and of course the time spent at trial and the follow up work such as this letter.

In addition to this case, the Beaumont Police Department has a "pattern and practice" of filing bogus, trumped up charges against Mr. Hupp. This includes not only this perjured case by DALESSANDRO, but also two (2) other traffic cases as well, all approximately within the last three (3) years. All the cases resulted in acquittals, proving up the "pattern and practice" of perjured and bogus charges by the Beaumont Police Department. In addition to the trumped up traffic cases, another Beaumont Police Officer had made a bogus, trumped up charge that did not result in any charge. That being the case, Mr. Hupp will also seek prospective declaratory and injunctive relief against the City of Beaumont and the Police Department, preventing them from engaging in any more perjured harassment and trumped up charges³.

This claim will be dismissed for the sum of \$2,500. That is an amount that will cover time, costs, energy and mental anguish for this harassment by DALESSANDRO, as well as the prior harassment.

You have until 12 Noon, P.S.T., Friday May 6, 2011 to accept and provide a written reply to this demand letter. You will have a reasonable amount of time thereafter to make payment. Failure to respond or accept this demand letter by that time will result in a federal civil rights lawsuit being filed under Title 42 U.S.C. § 1983 against the City of Beaumont and DALESSANDRO on Monday, May 9th, 2011.

Please be advised that under Title 42 U.S.C. § 1988 if you are to lose any litigation under the above statute, even a nominal judgment of liability, you would not only have to pay all fees and costs, but would also be liable for all attorney fees as well⁴.

The days of DALESSANDRO committing perjury and harassment with impunity are now over.

² Please be advised that this traffic stop may result in a federal lawsuit, and that all evidence, including all recorded statements made by DALESSANDRO will be requested during discovery and you are not under any circumstances to delete, destroy, erase or otherwise interfere with or cause harm to relevant evidence.

³ See Title 28 U.S.C. §§ 2201, 2202

⁴ See Pulliam v. Allen, 466 U.S. 522 (1984), Title 42 U.S.C. § 1988.

This letter is not intended to be a complete nor exhaustive statement of all the facts concerning this matter. Nothing contained herein shall constitute a waiver of any of my legal and equitable rights, claims or remedies, all of which are hereby expressly reserved for any future litigation.

Sincerely,

Paul Hupp
965 Hidden Oaks Drive
Beaumont, CA. 92223

CC: Alan C. Kapanicas, City Manager
City of Beaumont
550 E. Sixth St.
Beaumont, CA. 92223

Frank Coe, Chief of Police
City of Beaumont
550 E. Sixth St.
Beaumont, CA. 92223